

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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| SECURITIES INVESTOR PROTECTION CORPORATION, | : |
| Plaintiff-Applicant, | SIPA LIQUIDATION |
| v. | No. 08-01789 (CGM) |
| BERNARD L. MADOFF INVESTMENT SECURITIES, LLC, | |
| Defendant. | |
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| In re: | : |
| BERNARD L. MADOFF, | |
| Debtor. | |
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| IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff | : |
| Plaintiff, | |
| v. | Adv. Pro. No. 10-05169 |
| FAIRFIELD PAGMA ASSOCIATES, LP, a New York York limited partnership, SEYMOUR KLEINMAN, ESTATE OF MARJORIE KLEINMAN aka MARJORIE HELENE KLEINMAN, BONNIE JOYCE KLEINMAN, as executor, FAIRFOX, LLC, a New York limited liability company, and SEYFAIR, LLC, a New York limited liability company, | |
| Defendants. | |
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DEFENDANTS' DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL AND STATEMENT OF ISSUES TO BE PRESENTED

Defendants Bonnie Joyce Kansler, as Executor of the Estate of Marjorie Kleinman, and Seymour Kleinman hereby submit under Rule 8009 of the Federal Rules of Bankruptcy Procedure and Local Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, this

designation of items to be included in the record on appeal and statement of issues to be presented with respect to Defendants' appeal in the above-captioned adversary proceeding (the "Adversary Proceeding") of the Final Judgment (the "Final Judgment," a copy of which is annexed hereto as **Exhibit 1**).

I. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

The Bankruptcy Court and the District Court issued decisions and orders in this Adversary Proceeding that merged into the Final Judgment being appealed. Accordingly, the designation of items to be included in the record on appeal contains entries from the dockets of both the Bankruptcy Court and District Court. Each designated item shall also include any and all exhibits and documents annexed to or referenced within such item.

A. *Picard v. Fairfield Pagma Associates, LP, et al., Adv. Pro. No. 10-05169, Bankruptcy Court Designations*

Defendants designate for inclusion in the record on appeal the items listed below, the pertinent docket entries filed in this Adversary Proceeding, *Picard v. Fairfield Pagma Associates, LP, et al.*, Adv. Pro. No. 10-05169 (Bankr. S.D.N.Y.) and, where indicated, the related District Court action, *Picard v. Fairfield Pagma Associates, LP, et al.*, No. 11-cv-8898 (S.D.N.Y.) (JSR).

| Designation Number | Date | ECF Number | Docket Text |
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| 1 | 12/3/2010 | 1 | Complaint against Fairfield Pagma Associates, LP, a New York limited partnership, Seymour Kleinman, Marjorie Kleinman, Fairfox, LLC, a New York limited liability company, Seyfair, LLC, a New York limited liability company . Nature(s) of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other)) Filed by Richard Bernard, Richard J. Bernard on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Bernard, Richard) (Entered: 12/03/2010) |
| 2 | 11/28/2011 | 13 | Motion to Withdraw the Reference Joinder filed by Gabrielle J. Pretto on behalf of Fairfield Pagma Associates, LP, a New York limited partnership, Fairfox, LLC, a New York limited liability company, Marjorie Kleinman, Seymour Kleinman, Seyfair, LLC, a New York limited liability company. (Attachments: # 1 Exhibit Complaint) (Pretto, Gabrielle) (Entered: 11/28/2011) |
| 3 | 12/8/2011 | 16 | Stipulation <i>Extending Time to Respond and Designating Email Address Upon Which to Serve Defendants</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 12/08/2011) |
| 4 | 1/27/2012 | 17 | Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 01/27/2012) |
| 5 | 3/6/2012 | 18 | Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 03/06/2012) |

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| 6 | 6/13/2012 | 19 | Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 06/13/2012) |
| 7 | 7/27/2012 | 20 | Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 07/27/2012) |
| 8 | 9/13/2012 | 21 | Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 09/13/2012) |
| 9 | 1/9/2013 | 22 | Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 01/09/2013) |
| 10 | 3/8/2013 | 23 | Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 03/08/2013) |
| 11 | 4/17/2013 | 24 | Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 04/17/2013) |
| 12 | 5/21/2013 | 25 | Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 05/21/2013) |
| 13 | 8/29/2013 | 26 | Stipulation <i>Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 08/29/2013) |

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| 14 | 11/1/2013 | 27 | <i>Stipulation Extending Time to Respond</i> filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Hirschfield, Marc) (Entered: 11/01/2013) |
| 15 | 1/17/2014 | 29 | Motion to Dismiss Adversary Proceeding filed by Gabrielle J. Pretto on behalf of Fairfield Pagma Associates, LP, a New York limited partnership, Fairfox, LLC, a New York limited liability company, Marjorie Kleinman, Seymour Kleinman, Seyfair, LLC, a New York limited liability company. (Pretto, Gabrielle) (Entered: 01/17/2014) |
| 16 | 1/17/2014 | 30 | Memorandum of Law <i>In Support Of Motion To Dismiss</i> filed by Gabrielle J. Pretto on behalf of Fairfield Pagma Associates, LP, a New York limited partnership, Fairfox, LLC, a New York limited liability company, Marjorie Kleinman, Seymour Kleinman, Seyfair, LLC, a New York limited liability company. (Pretto, Gabrielle) (Entered: 01/17/2014) |
| 17 | 1/17/2014 | 31 | Declaration <i>Of Barry R. Lax In Support Of Motion To Dismiss</i> filed by Gabrielle J. Pretto on behalf of Fairfield Pagma Associates, LP, a New York limited partnership, Fairfox, LLC, a New York limited liability company, Marjorie Kleinman, Seymour Kleinman, Seyfair, LLC, a New York limited liability company. (Pretto, Gabrielle) (Entered: 01/17/2014) |
| 18 | 3/10/2014 | 35 | Opposition <i>Memorandum of Law of the Securities Investor Protection Corporation in Opposition to Defendants' Motions to Dismiss</i> filed by Kevin H. Bell on behalf of Securities Investor Protection Corp.. (Bell, Kevin) (Entered: 03/10/2014) |
| 19 | 3/10/2014 | 36 | Opposition Brief - <i>Trustee's Memorandum of Law in Opposition to Defendants' Motions to Dismiss</i> filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Sheehan, David) (Entered: 03/10/2014) |

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| 20 | 3/10/2014 | 37 | Declaration of Nicholas J. Cremona, pursuant to 28 U.S.C. § 1746, in Support of Trustee's Memorandum of Law in Opposition to Defendants' Motions to Dismiss (related document(s)36) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Sheehan, David) (Entered: 03/10/2014) |
| 21 | 3/17/2014 | 40 | Reply to Motion filed by Gabrielle J. Pretto on behalf of Fairfield Pagma Associates, LP, a New York limited partnership, Fairfox, LLC, a New York limited liability company, Marjorie Kleinman, Seymour Kleinman, Seyfair, LLC, a New York limited liability company. (Pretto, Gabrielle) (Entered: 03/17/2014) |
| 22 | 8/4/2014 | 9 Case No. 11-cv- 8898 (SDNY) (JSR) | ORDER denying 1 Motion to Withdraw Bankruptcy Reference. On July 10, 2014, the Court issued an Order directing counsel to parties with individual issues not addressed by the Court's decisions in the consolidated withdrawals to inform the Court by letter by July 18, 2014. See ECF No. 552. The Court received several such letters and addressed the issues they raised in separate Orders. Any remaining motions to withdraw the reference are hereby denied and all the adversary proceedings are returned to the Bankruptcy Court. The Clerk of Court is directed to close all the civil cases seeking to withdraw the reference related to this matter. (Signed by Judge Jed S. Rakoff on 8/1/2014) (lmb) (Entered: 08/27/2014) |
| 23 | 4/7/2015 | 43 | So Ordered Stipulation Signed On 4/7/2015. Re: Substitution Of Defendants (Greene, Chantel) (Entered: 04/07/2015) |
| 24 | 6/2/2015 | 44 | Written Opinion Signed On 6/2/2015. Re: Memorandum Decision Regarding Omnibus Motions To Dismiss (Greene, Chantel) (Entered: 06/02/2015) |
| 25 | 7/16/2015 | 47 | Order Signed On 7/16/2015 Re: Granting In Part And Denying In PartDefendants Motions To Dismiss (Greene, Chantel). (Entered: 07/16/2015) |
| 26 | 8/14/2015 | 48 | <i>Letter Requesting Extension on Time to Answer Complaint</i> Filed by Brian Neville on behalf of Fairfield Pagma Associates, LP, a New York limited partnership. (Neville, Brian) (Entered: 08/14/2015) |

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| 27 | 8/18/2015 | 49 | Order Signed On 8/18/2015. Re: Extending The Time Within Which Defendants May Answer The Trustees Complaint (Greene, Chantel) (Entered: 08/18/2015) |
| 28 | 9/18/2015 | 59 | Response to <i>Complaint</i> filed by Brian Neville on behalf of Estate of Marjorie Kleinman, Fairfield Pagma Associates, LP, a New York limited partnership, Fairfox, LLC, a New York limited liability company, Bonnie Joyce Kansler, Seymour Kleinman, Seyfair, LLC, a New York limited liability company. (Neville, Brian) (Entered: 09/18/2015) |
| 29 | 10/23/2015 | 61 | Statement / <i>Case Management Notice</i> filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 10/23/2015) |
| 30 | 11/22/2017 | 63 | Statement / <i>Notice of Mediation Referral</i> filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 11/22/2017) |
| 31 | 2/23/2018 | 65 | Motion to Approve / <i>Motion and Supporting Memorandum of Law for an Order Establishing Omnibus Proceeding for the Purpose of Determining the Existence, Duration, and Scope of the Ponzi Scheme at BLMIS</i> filed by Melissa Kosack on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff with hearing to be held on 3/28/2018 at 10:00 AM at Courtroom 723 (SMB) Responses due by 3/14/2018., (Attachments: # 1 Exhibit A Case List # 2 Exhibit B Proposed Order # 3 Notice of Motion) (Kosack, Melissa) (Entered: 02/23/2018) |

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| 32 | 2/28/2018 | 67 | Notice of Adjournment of Hearing /Notice of Adjournment on the Trustee's Motion and Supporting Memorandum of Law for an Order Establishing Omnibus Proceeding for the Purpose of Determining the Existence, Duration, and Scope of the Ponzi Scheme at BLMIS (related document(s)65) filed by Melissa Kosack on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. with hearing to be held on 4/25/2018 at 10:00 AM at Courtroom 723 (SMB) Objections due by 4/11/2018, (Kosack, Melissa) (Entered: 02/28/2018) |
| 33 | 4/13/2018 | 69 | Letter to Judge Bernstein regarding the Trustee's Request for Extension and Adjournment of Hearing on Omnibus Ponzi Proceeding (related document(s)67) Filed by Melissa Kosack on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Kosack, Melissa) (Entered: 04/13/2018) |
| 34 | 4/13/2018 | 70 | Notice of Adjournment of Hearing on Trustee's Motion and Supporting Memorandum of Law for an Order Establishing Omnibus Proceeding for the Purpose of Determining the Existence, Duration, and Scope of the Ponzi Scheme at BLMIS (related document(s)65) filed by Melissa Kosack on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. with hearing to be held on 5/30/2018 at 10:00 AM at Courtroom 723 (SMB) (Kosack, Melissa) (Entered: 04/13/2018) |
| 35 | 5/18/2018 | 72 | Letter to Judge Bernstein regarding the Trustee's Request for Extension and Adjournment of Hearing on Omnibus Ponzi Proceeding (related document(s)70) Filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Sheehan, David) (Entered: 05/18/2018) |

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| 36 | 5/21/2018 | 74 | Notice of Adjournment of Hearing on Trustee's Motion and Supporting Memorandum of Law for an Order Establishing Omnibus Proceeding for the Purpose of Determining the Existence, Duration, and Scope of the Ponzi Scheme at BLMIS (related document(s)65) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. with hearing to be held on 6/27/2018 at 10:00 AM at Courtroom 723 (SMB) (Sheehan, David) (Entered: 05/21/2018) |
| 37 | 6/13/2018 | 76 | Letter to Judge Bernstein regarding the Trustee's Request for Extension and Adjournment of Hearing on Omnibus Ponzi Proceeding (related document(s)74) Filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Sheehan, David) (Entered: 06/13/2018) |
| 38 | 7/18/2018 | 78 | Reply to Motion / <i>Reply in Support of the Trustee's Motion for an Order Establishing Omnibus Pre-Trial Proceeding on the Existence, Duration, and Scope of the Ponzi Scheme at BLMIS</i> (related document(s)65) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A: Case List # 2 Exhibit B: Proposed Order) (Sheehan, David) (Entered: 07/18/2018) |

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| 39 | 9/21/2018 | 80 | Motion to Approve / <i>Memorandum of Law in Support of Trustee's Motion for Limited Additional Discovery Based on Prior Orders Authorizing Deposition of Bernard L. Madoff</i> filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff with hearing to be held on 10/31/2018 at 10:00 AM at Courtroom 723 (SMB) Responses due by 10/17/2018,. (Attachments: # 1 Exhibit A - Remaining Good Faith Cases # 2 Exhibit B - Cases Participating in Madoff's Deposition # 3 Exhibit C - Cases Not Participating in Madoff's Deposition # 4 Exhibit D - Cases with Open Fact Discovery # 5 Exhibit E - Cases with Closed Fact Discovery with CMOs # 6 Exhibit F - Cases with Served Expert Reports # 7 Exhibit G - Bongiorno Rule 30 Order # 8 Exhibit H - Bonventre Rule 30 Order # 9 Exhibit I - Crupi Rule 30 Order # 10 Exhibit J - Main Proposed Order # 11 Notice of Motion) (Sheehan, David) (Entered: 09/21/2018) |
| 40 | 9/21/2018 | 81 | Declaration / <i>Declaration of David J. Sheehan in Support of the Memorandum of Law in Support of Trustee's Motion for Limited Additional Discovery Based on Prior Orders Authorizing Deposition of Bernard L. Madoff</i> filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A - Remaining Good Faith Actions # 2 Exhibit 1 - Madoff Day 1 Dep Order # 3 Exhibit 2 - Madoff Day 2 Dep Order # 4 Exhibit 3 - Chaitman Discovery Order # 5 Exhibit 4 - Madoff Dep Excerpts (12/20/2016) # 6 Exhibit 5 - Madoff Dep Excerpts (4/26/2017) # 7 Exhibit 6 - Madoff Dep Excerpts (4/27/2017) # 8 Exhibit 7 - Madoff Dep Excerpts (11/8/2017) # 9 Exhibit 8 - Madoff Dep Excerpts (11/9/2017)) (Sheehan, David) (Entered: 09/21/2018) |

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| 41 | 10/24/2018 | 83 | <i>Reply to Motion /Reply Memorandum in Further Support of Trustees Motion for Limited Additional Discovery Based on Prior Orders Authorizing Deposition of Bernard L. Madoff</i> (related document(s)80) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A - Remaining Good Faith Cases) (Cremona, Nicholas) (Entered: 10/24/2018) |
| 42 | 10/24/2018 | 84 | <i>Declaration of David J. Sheehan in Support of the Reply Memorandum in Further Support of Trustees Motion for Limited Additional Discovery Based on Prior Orders Authorizing Deposition of Bernard L. Madoff</i> (related document(s)80) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit 1 - 11-9-2017 Madoff Dep Excerpts # 2 Exhibit 2 - 10-31-2017 Letter to H. Chaitman re CMO Deadline # 3 Exhibit 3 - 8-9-2017 Email Exchange Chaitman Shifrin # 4 Exhibit 4 - 11-8-2017 Madoff Dep Excerpts # 5 Exhibit 5 - 7-5-2018 Email from Kratenstein to Trustee re OPOP) (Cremona, Nicholas) (Entered: 10/24/2018) |
| 43 | 3/17/2021 | 88 | <i>Statement /Notice of Mediation Referral and Mediator Selection</i> filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 03/17/2021) |
| 44 | 7/15/2021 | 90 | <i>Stipulation Extending Time to Conclude Mediation</i> Filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 07/15/2021) |
| 45 | 10/27/2021 | 93 | Mediator's Final Report Not Settled Filed by Deborah A. Reperowitz on behalf of Deborah A. Reperowitz. (Reperowitz, Deborah) (Entered: 10/27/2021) |

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| 46 | 11/17/2021 | 94 | Motion for Summary Judgment / <i>Notice of Trustees Motion for Summary Judgment</i> filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff with hearing to be held on 12/15/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM). (Sheehan, David) (Entered: 11/17/2021) |
| 47 | 11/17/2021 | 95 | Memorandum of Law /Trustee's Memorandum of Law in Support of Motion for Summary Judgment (related document(s)94) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Sheehan, David) (Entered: 11/17/2021) |
| 48 | 11/17/2021 | 96 | Statement /Trustee's Statement of Material Facts in Support of Motion for Summary Judgment (related document(s)94) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Sheehan, David) (Entered: 11/17/2021) |
| 49 | 11/17/2021 | 97 | Declaration of <i>Nicholas J. Cremona</i> (related document(s)94) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4 # 5 Exhibit 5 # 6 Exhibit 6 # 7 Exhibit 7 # 8 Exhibit 8 # 9 Exhibit 9 # 10 Exhibit 10 # 11 Exhibit 11 # 12 Exhibit 12 # 13 Exhibit 13 # 14 Exhibit 14 # 15 Exhibit 15 # 16 Exhibit 16 # 17 Exhibit 17 # 18 Exhibit 18 # 19 Exhibit 19) (Sheehan, David) (Entered: 11/17/2021) |
| 50 | 11/17/2021 | 98 | Declaration of <i>Lisa M. Collura</i> (related document(s)94) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Attach. A # 2 Ex. 1 # 3 Ex. 2 # 4 Ex. 3 # 5 Ex. 4 # 6 Ex. 5 # 7 Ex. 6 # 8 Ex. 7 # 9 Ex. 8 # 10 Ex. 9 # 11 Ex. 10 # 12 Attach B.) (Sheehan, David) (Entered: 11/17/2021) |

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| 51 | 11/17/2021 | 99 | Declaration of <i>Bruce G. Dubinsky</i> (related document(s)94) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Attach. A # 2 Appx. A # 3 Appx. B # 4 Sched. 1 # 5 Ex. 1 # 6 Ex. 2 # 7 Ex. 3 # 8 Ex. 4 # 9 Ex. 5 # 10 Ex. 6 # 11 Ex. 7 # 12 Ex. 8 # 13 Ex. 9 # 14 Ex. 10 # 15 Ex. 11 # 16 Ex. 12 # 17 Ex. 13 # 18 Ex. 14 # 19 Ex. 15 # 20 Ex. 16 # 21 Ex. 17 # 22 Ex. 18 # 23 Ex. 19 # 24 Ex. 20 # 25 Ex. 21 # 26 Ex. 22 # 27 Ex. 23 # 28 Ex. 24 # 29 Ex. 25 # 30 Ex. 26 # 31 Ex. 27 # 32 Attach. B) (Sheehan, David) (Entered: 11/17/2021) |
| 52 | 11/17/2021 | 100 | Declaration of <i>Matthew B. Greenblatt</i> (related document(s)94) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Attach. A # 2 Ex. 1 # 3 Ex. 2 # 4 Ex. 3 # 5 Ex. 4 # 6 Ex. 5 # 7 Ex. 6 # 8 Ex. 7 # 9 Ex. 8 # 10 Attach. B # 11 Ex. 1 # 12 Ex. 2 # 13 Ex. 3 # 14 Ex. 4 # 15 Ex. 5 # 16 Ex. 6 # 17 Ex. 7 # 18 Ex. 8 # 19 Attach. C) (Sheehan, David) (Entered: 11/17/2021) |
| 53 | 1/11/2022 | 110 | Memorandum of Law in Opposition to Motion for Summary Judgement (related document(s)94) filed by Barry R. Lax on behalf of Bonnie Joyce Kansler. (Lax, Barry) (Entered: 01/11/2022) |
| 54 | 1/11/2022 | 111 | Opposition Counterstatement of Undisputed Fact (related document(s)94) filed by Barry R. Lax on behalf of Bonnie Joyce Kansler. (Lax, Barry) (Entered: 01/11/2022) |
| 55 | 1/11/2022 | 112 | Opposition <i>Declaration of Adam Kansler</i> (related document(s)94) filed by Barry R. Lax on behalf of Bonnie Joyce Kansler. (Attachments: # 1 Exhibit A # 2 Exhibit B) (Lax, Barry) (Entered: 01/11/2022) |
| 56 | 1/11/2022 | 113 | Opposition <i>Declaration of Bonne Joyce Kansler</i> (related document(s)94) filed by Barry R. Lax on behalf of Bonnie Joyce Kansler. (Attachments: # 1 Exhibit A # 2 Exhibit B) (Lax, Barry) (Entered: 01/11/2022) |
| 57 | 1/11/2022 | 114 | Opposition <i>Declaration of Brian Neville</i> (related document(s)94) filed by Barry R. Lax on behalf of Bonnie Joyce Kansler. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C) (Lax, Barry) (Entered: 01/11/2022) |

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| 58 | 1/11/2022 | 115 | Opposition <i>Declaration of Ronni Leo</i> (related document(s)94) filed by Barry R. Lax on behalf of Bonnie Joyce Kansler. (Attachments: # 1 Exhibit A) (Lax, Barry) (Entered: 01/11/2022) |
| 59 | 1/12/2022 | 116 | Memorandum of Law <i>/Trustee's Reply Memorandum of Law in Further Support of Motion for Summary Judgment</i> filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 01/12/2022) |
| 60 | 1/12/2022 | 117 | Statement <i>/Trustee's Responses and Objections to Defendants' Statement of Additional Material Facts</i> (related document(s)116) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Cremona, Nicholas) (Entered: 01/12/2022) |
| 61 | 1/12/2022 | 118 | Declaration <i>/Declaration of Maximillian S. Shifrin in Further Support of Trustee's Motion for Summary Judgment</i> (related document(s)116, 117) filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Ex. 1 # 2 Ex. 2 # 3 Ex. 3 # 4 Ex. 4 # 5 Ex. 5 # 6 Ex. 6 # 7 Ex. 7 # 8 Ex. 8 # 9 Ex. 9) (Cremona, Nicholas) (Entered: 01/12/2022) |
| 62 | 1/19/2022 | 127 | Declaration <i>of Matthew B. Greenblatt [As directed by the Court, filed to correct Attachment B, ECF 100]</i> (related document(s)94) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Attach. A # 2 Ex. 1 # 3 Ex. 2 # 4 Ex. 3 # 5 Ex. 4 # 6 Ex. 5 # 7 Ex. 6 # 8 Ex. 7 # 9 Ex. 8 # 10 Attach. B # 11 Ex. 1 # 12 Ex. 2 # 13 Ex. 3 # 14 Ex. 4A # 15 Ex. 4B # 16 Attach. C) (Sheehan, David) (Entered: 01/19/2022) |

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| 63 | 2/11/2022 | 129 | <p>Transcript regarding Hearing Held on 01/19/2022 At 10:00 AM RE: Motion for Summary Judgment /Notice of Trustees Motion for Summary Judgment.; Memorandum of Law in Opposition to Motion for Summary Judgement.; Opposition Counterstatement of Undisputed Fact.; etc. Remote electronic access to the transcript is restricted until 5/12/2022. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.) (RE: related document(s) 111, 113, 115, 112, 110, 116, 94, 114). Notice of Intent to Request Redaction Deadline Due By 2/18/2022. Statement of Redaction Request Due By 3/4/2022. Redacted Transcript Submission Due By 3/14/2022. Transcript access will be restricted through 5/12/2022. (Ramos, Jonathan) (Entered: 02/11/2022)</p> |
| 64 | 2/16/2022 | 130 | <p>Notice of Adjournment of Hearing RE: Motion for Summary Judgment /Notice of Trustees Motion for Summary Judgment filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff (related document(s)94); hearing held, Summary Judgment granted as to the parties on the record; submit order; written decision to be issued with respect to the remainder of the parties; adjourned for record purposes only to 3/16/2022 at 08:30 AM at Videoconference (ZoomGov) (CGM) (Ashmeade, Vanessa). (Entered: 02/16/2022)</p> |
| 65 | 2/17/2022 | 131 | <p>Letter (related document(s)94) Filed by Barry R. Lax on behalf of Estate of Marjorie Kleinman. (Lax, Barry) (Entered: 02/17/2022)</p> |
| 66 | 2/18/2022 | 132 | <p><i>Letter to the Honorable Cecelia G. Morris re: Defendants' February 17, 2022 letter</i> Filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Sheehan, David) (Entered: 02/18/2022)</p> |
| 67 | 2/18/2022 | 134 | <p>Letter (related document(s)94) Filed by Barry R. Lax on behalf of Estate of Marjorie Kleinman. (Lax, Barry) (Entered: 02/18/2022)</p> |

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| 68 | 3/3/2022 | 135 | Transcript regarding Hearing Held on 02/16/2022 At 10:00 AM RE: Motion For Summary Judgment /Notice Of Trustees Motion For Summary Judgment.; Memorandum Of Law In Opposition To Motion For Summary Judgement.; Opposition Counterstatement Of Undisputed Fact.; Etc. Remote electronic access to the transcript is restricted until 6/1/2022. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.) (RE: related document(s) 123 , 121 , 124 , 126 , 120 , 117, 94, 122). Notice of Intent to Request Redaction Deadline Due By 3/10/2022. Statement of Redaction Request Due By 3/24/2022. Redacted Transcript Submission Due By 4/4/2022. Transcript access will be restricted through 6/1/2022. (Ramos, Jonathan) (Entered: 03/03/2022) |
| 69 | 3/14/2022 | 136 | Notice of Adjournment of Hearing RE: (related document(s): 94 Motion for Summary Judgment filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff, written decision to be issued with respect to the remainder of the parties; hearing not held; adjourned for record purposes only to 04/20/2022 at 08:30 AM at Videoconference (ZoomGov) (CGM) (VanessaAshmeade) (Entered: 03/14/2022) |
| 70 | 4/13/2022 | 137 | Memorandum Decision Granting Summary Judgment in Favor of the Trustee signed on 4/13/2022. (related document(s)94) (DuBois, Linda) (Entered: 04/13/2022) |
| 71 | 4/19/2022 | 139 | Notice of Presentment of Order Implementing Judgment filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. with presentment to be held on 4/22/2022 at 12:00 PM at Videoconference (ZoomGov) (CGM) Objections due by 4/21/2022, (Attachments: # 1 Exhibit A)(Sheehan, David) (Entered: 04/19/2022) |

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| 72 | 4/21/2022 | 141 | Objection and Counter Proposed Judgment (related document(s)139) filed by Barry R. Lax on behalf of Fairfield Pagma Associates, LP, a New York limited partnership. (Lax, Barry) (Entered: 04/21/2022) |
| 73 | 4/22/2022 | 142 | Letter to the Honorable Cecelia G. Morris re: Defendants' Objection and Counter Proposed Judgment Filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Revised Judgment)(Cremona, Nicholas) (Entered: 04/22/2022) |
| 74 | 4/25/2022 | 144 | Judgment signed on 4/25/2022. JUDGMENT INDEX NUMBER BC 22,0009 (related document(s)137) (Rouzeau, Anatin) (Entered: 04/25/2022) |
| 75 | 5/4/2022 | 145 | Notice of Appeal (related document(s)137, 144) filed by Barry R. Lax on behalf of Bonnie Joyce Kansler. (Lax, Barry) (Entered: 05/04/2022) |

II. STATEMENT OF ISSUES TO BE PRESENTED

A. Whether the bankruptcy court erred in concluding that, after drawing all reasonable inferences in defendants' favor, the pleadings, affidavits and documents presented by defendants did not raise a genuine issue as to the fact that Seymour Kleinman and Marjorie Kleinman were not general partners of Fairfield Pagma Associates, LP ("Fairfield Pagma") within the two-year period prior to December 11, 2008?

B. Whether the bankruptcy court erred in concluding that, after drawing all reasonable inferences in defendants' favor, the pleadings, affidavits and documents presented by defendants did not raise a genuine issue as to the fact that Seymour Kleinman and Marjorie Kleinman were not general partners of Fairfield Pagma within the two-year period prior to December 11, 2008, despite admissible, unrebutted evidence that they were replaced as general partners of Fairfield Pagma in 2005 by Seyfair LLC ("Seyfair") and Fairfox LLC ("Fairfox"), respectively?

C. Whether the bankruptcy court erred in finding that the fact that Seymour Kleinman and Marjorie Kleinman were general partners of Fairfield Pagma in 1993 established, as a matter of law, that they were general partners of Fairfield Pagma within the two-year period prior to December 11, 2008?

D. Whether the bankruptcy court erred in finding that Seymour Kleinman, Marjorie Kleinman, Seyfair and Fairfox were all general partners of Fairfield Pagma at the same time within the two-year period prior to December 11, 2008, despite admissible, unrebutted evidence that Seyfair and Fairfox were formed for the sole purpose of replacing Seymour and Marjorie as general partners?

E. Whether the bankruptcy court erred in finding no fact in dispute when it concluded that Seymour Kleinman, Marjorie Kleinman, Seyfair and Fairfox were all general partners of

Fairfield Pagma at the same time within the two-year period prior to December 11, 2008, despite admissible, unrebutted evidence that Seyfair and Fairfox were formed for the sole purpose of replacing Seymour and Marjorie as general partners?

F. Whether the bankruptcy court erred in (1) weighing defendants' Answer, affidavits with exhibits, including tax returns, Schedule K-1's and other admissible evidence that Seymour Kleinman and Marjorie Kleinman were replaced as general partners of Fairfield Pagma in 2005 by Seyfair and Fairfox, respectively, against the evidence supplied by the Trustee and (2) resolving that factual dispute in favor of the Trustee rather than merely identifying the disputed issues of fact to be tried?

G. Whether the bankruptcy court erred in concluding that notice to BLMIS of a change in Fairfield Pagma's general partners was required in order to affect the withdrawal and substitution of Fairfield Pagma's general partners?

H. Whether the bankruptcy court erred in finding that a May 27, 2008 letter to BLMIS signed by Seymour Kleinman is admissible and conclusive evidence that Seymour, at that time, was holding himself out as a general partner of Fairfield Pagma in view of the facts that (i) there is no evidence in the record to support the Court's conclusion that Seymour signed this letter in his individual capacity as general partner of Fairfield Pagma rather than on behalf of Seyfair LLC as its managing member with authority to act on its behalf, and (ii) the May 27, 2008 letter was not offered by the Trustee as evidence, and the Trustee never argued that the letter was evidence, that Seymour held himself out as general partner of Fairfield Pagma at that time?

I. Whether the bankruptcy court erred in concluding that "[o]nly a written notice to other partners shows an effective withdrawal" of a general partner of a limited partnership under the New York Limited Partnership Law?

J. Whether the bankruptcy court erred in holding that the Trustee is entitled to prejudgment interest of 4% from the SIPA filing date in view of the facts that Defendants asserted novel legal arguments in good faith that created legitimate disputes over liability and, unlike other defendants against whom prejudgment interest has been awarded in this liquidation, the Defendants have not engaged in any dilatory litigation tactics, have not refused to acknowledge or resisted the law of the case or otherwise caused delay to the Trustee's prosecution of this case?

Dated: New York, New York
May 18, 2022

By: /s/ Barry R. Lax
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